Opening Statement

November 14, 2013

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Statement of Subcommittee Chairman Richard Hudson (R-NC)
Subcommittee on Transportation Security
Committee on Homeland Security

"TSA's SPOT Program and Initial Lessons From the LAX Shooting"

Remarks as Prepared

Two weeks ago, a lone gunman opened fire at Los Angeles International Airport, tragically killing one Transportation Security Officer, Gerardo Hernandez, and wounding two other TSOs along with a high school teacher.

On behalf of the Committee, our sincerest condolences go out to the victims and their families. Transportation Security Officers take great personal risk every day in order to secure our nation's aviation system and protect against terrorism. We thank them for their service.

In light of the recent tragedy that occurred at LAX, it is critical, now more than ever, for TSA to work with stakeholders to conduct a comprehensive review of security programs, to ensure that resources are being used in the most effective and efficient manner, and that coordination and communication with local law enforcement is seamless.

The area prior to screening at an airport is a "soft target" where masses of people gather, much like a shopping mall or a train station. This leaves airports open to virtually anyone who wants to enter, including someone with malicious intent.

While it is the airport's responsibility to provide security and law enforcement, we all know that there are unavoidable risks of being in public spaces, and incidents like this one, albeit tragic, are not always preventable.

What is important now is to identify whether there were any unnecessary vulnerabilities that we can learn from. Did TSA and airport police have seamless communication? Are there resources that could be shifted around to create a more robust, layered security posture?

I don't expect our witnesses to have all the answers yet. But I do believe this hearing is a timely opportunity to examine one program that has been heavily criticized by both GAO and the DHS Office of Inspector General.

TSA's Screening of Passengers by Observation Techniques program, also known as SPOT, deploys over 3,000 behavior detection officers in an effort to identify passengers that may pose a risk to aviation security.

These TSA employees are not trained law enforcement officers. As such, they rely on state and local law enforcement to handle any situations that may arise beyond the screening of passengers and baggage or if they think someone is acting suspicious. And the way they determine if someone is acting suspicious, according to GAO, is not based on proven science.

We know the threats to aviation are real. Our enemies continue to plot against us. I think my colleagues would agree that we need layers of security; but those layers have to make sense; they can't be based on a hunch; they must be proven.

I want to commend Administrator Pistole for his tremendous efforts to transform TSA into a risk-based agency. Programs such as Pre-Check are a huge step in the right direction. But my concern with SPOT is that it doesn't address the threats emanating from overseas; it doesn't provide deterrence, and I'm not convinced it really makes us safer in its current form.

Calling it risk-based, and actually proving it's risk-based, are two entirely different things.

To my knowledge, there has not been a single instance where a behavior detection officer has referred someone to a law enforcement officer and that individual turned out to be a terrorist.

The latest study conducted by GAO found that:

- The human ability to accurately identify deceptive behavior based on behavioral indicators is the same or only slightly better than chance;
- TSA has limited information to evaluate SPOT's effectiveness; and
- It will be at least three years before TSA can report on the effectiveness of its behavior detection activities.

GAO recommends that TSA limit future funding for behavior detection activities until it can provide scientifically validated evidence demonstrating that behavioral indicators can be used to identify passengers who pose a threat to aviation security. I look forward to hearing Administrator Pistole's intentions to address this recommendation.

With that being said, I do see value in using behavior analysis to bolster aviation security, but only when we can prove that taxpayer dollars are being spent in the most effective manner possible.

Perhaps reinforcing local law enforcement officers at airports, who are well equipped to detect suspicious behavior, makes more sense than having 3,000 employees doing behavior detection at TSA.

According to the Congressional Research Service, TSA's SPOT program is the only stand-alone behavior detection program within either DHS or DOJ. If this type of program worked, I suspect we would see agencies with similar missions developing stand-alone programs to detect suspicious behaviors. But we don't.

I look forward to hearing from TSA on how it plans to address the GAO and IG recommendations, including how it plans to assess SPOT's effectiveness.

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